

Draft Claims For Discussion Purposes Only**EXHIBIT A****CLEAN VERSION OF ALL PENDING CLAIMS AS AMENDED HEREIN****(Application No. 09/122,427; Attorney Docket No. 8449-238)****March 11, 2003***negatively
changed*

1. A submicron-reconstitute preliposome-lyophilate comprising lipid and a non-lipid surfactant, wherein the lyophilate (a) lacks liposomes; and (b) has the ability to form liposomes having a median diameter of less than 1 μm upon reconstitution with aqueous solution.

3. The submicron-reconstitute preliposome-lyophilate of claim 1 wherein said surfactant is anionic, cationic or nonionic.

4. The submicron-reconstitute preliposome-lyophilate of claim 3 wherein said surfactant is nonionic.

5. The submicron-reconstitute preliposome-lyophilate of claim 4 wherein said surfactant is a TWEENTM surfactant.

6. The submicron-reconstitute preliposome-lyophilate of claim 5 wherein said surfactant is TWEENTM 20.

7. The submicron-reconstitute preliposome-lyophilate of claim 6 wherein said surfactant comprises from about 4 mole % to about 2 mole % of the lipid content of the submicron-reconstitute preliposome-lyophilate.

8. The submicron-reconstitute preliposome-lyophilate of claim 3 wherein said surfactant comprises from about 5 mole % to about 0.1 mole % of the lipid content of the submicron-reconstitute preliposome-lyophilate.

9. The submicron-reconstitute preliposome-lyophilate of claim 8 wherein said surfactant comprises from about 4 mole % to about 2 mole % of the lipid content of the submicron-reconstitute preliposome-lyophilate.

52. The submicron-reconstitute preliposome-lyophilate of claim 1, said preliposome lyophilate being halogenated solvent-free.

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53. A preliposome-lyophilate comprising lipid and a non-lipid surfactant, said lyophilate (a) lacking liposomes; and (b) having the ability to form liposomes having a median diameter of less than 400 nm when reconstituted with aqueous solution.

54. The preliposome-lyophilate of claim 53 wherein said surfactant is nonionic.

55. The preliposome-lyophilate of claim 54 wherein said nonionic surfactant is selected from the group consisting of polyoxyethylene sorbitan monolaurate having a molecular weight of approximately 1300 and polyoxyethylene sorbitan monooleate having a molecular weight of approximately 1350.

57. A submicron-reconstitute preliposome-lyophilate, said lyophilate (a) lacking liposomes, and (b) having the ability to form liposomes having a median diameter of less than 400 nm upon reconstitution with aqueous solution; said lyophilate being produced by a process comprising:

- (a) preparing a solution comprising at least one lipid dissolved in an aqueous/t-butanol solvent system and a non-lipid surfactant; and
- (b) lyophilizing said solution to form said submicron-reconstitute preliposome-lyophilate, wherein said solution does not contain liposomes at the time of said lyophilizing.

58. The lyophilate of claim 57 wherein said surfactant is anionic, cationic or nonionic.

59. The lyophilate of claim 58 wherein said surfactant is nonionic.

60. The lyophilate of claim 59 wherein said surfactant is a TWEEN™ surfactant.

61. The lyophilate of claim 60 wherein said surfactant is TWEEN™ 20.

62. The lyophilate of claim 60 wherein said surfactant is TWEEN™ 80.

63. The lyophilate of claim 61 or claim 62 wherein said surfactant comprises from about 4 mole % to about 2 mole % of the lipid content of the lyophilate.

64. The lyophilate of claim 58 wherein said surfactant comprises from about 5 mole % to about 0.1 mole % of the lipid content of the lyophilate.

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65. The lyophilate of claim 64 wherein said surfactant comprises from about 4 mole % to about 2 mole % of the lipid content of the lyophilate.

66. A lyophilate comprising at least one lipid and a non-lipid surfactant, said surfactant being present in an amount less than 4 mole % of the lipid content of said lyophilate, said lyophilate lacking liposomes, and wherein the lyophilate is capable of forming liposomes in about one minute with hand-shaking upon addition of aqueous solution, which liposomes have a median diameter of less than 400 nm.

*active agent**tween**0.06M%*

67. The lyophilate of claim 1 or 66 further comprising a bioactive agent.

68. The lyophilate of claim 66 wherein said surfactant is nonionic.

69. The lyophilate of claim 68 wherein said surfactant is a TWEENTM surfactant.

70. The lyophilate of claim 69 wherein said surfactant is TWEENTM 20.

71. The lyophilate of claim 69 wherein said surfactant is TWEENTM 80.

72. The lyophilate of claim 67 wherein the bioactive agent is selected from the group consisting of an antifungal agent, an antineoplastic agent, an antibiotic, an adjuvant, a vaccine, a contrast agent, a diagnostic agent, a drug targeting agent and a genetic fragment.

73. The lyophilate of claim 72 wherein the bioactive agent is an antifungal agent.

74. The lyophilate of claim 72 wherein the bioactive agent is an antineoplastic agent.

75. The lyophilate of claim 72 wherein the bioactive agent is an antibiotic.

76. The lyophilate of claim 72 wherein the bioactive agent is an adjuvant.

77. The lyophilate of claim 72 wherein the bioactive agent is a vaccine.

78. The lyophilate of claim 72 wherein the bioactive agent is a contrast agent.

79. The lyophilate of claim 72 wherein the bioactive agent is a diagnostic agent.

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80. The lyophilate of claim 72 wherein the bioactive agent is a drug targeting agent.

81. The lyophilate of claim 72 wherein the bioactive agent is a genetic fragment.

82. The submicron-reconstitute preliposome-lyophilate of claim 4 wherein said surfactant is a polyoxyethylene sorbitan carboxylate.

83. The submicron-reconstitute preliposome-lyophilate of claim 82 wherein said polyoxyethylene sorbitan carboxylate is polyoxyethylene sorbitan monolaurate.

84. The submicron-reconstitute preliposome-lyophilate of claim 82 wherein said polyoxyethylene sorbitan carboxylate is polyoxyethylene sorbitan monooleate.

85. The lyophilate of claim 59 wherein said surfactant is a polyoxyethylene sorbitan carboxylate.

86. The lyophilate of claim 85 wherein said polyoxyethylene sorbitan carboxylate is polyoxyethylene sorbitan monolaurate.

87. The lyophilate of claim 85 wherein said polyoxyethylene sorbitan carboxylate is polyoxyethylene sorbitan monooleate.

88. The lyophilate of claim 68 wherein said surfactant is a polyoxyethylene sorbitan carboxylate.

89. The lyophilate of claim 88 wherein said polyoxyethylene sorbitan carboxylate is polyoxyethylene sorbitan monolaurate.

90. The lyophilate of claim 88 wherein said polyoxyethylene sorbitan carboxylate is polyoxyethylene sorbitan monooleate.

91. The submicron-reconstitute preliposome-lyophilate of claim 5 wherein said surfactant is TWEEN™ 80.

92. The submicron-reconstitute preliposome-lyophilate of claim 1 wherein said surfactant is present in an amount less than 4 mole % of the lipid content of said lyophilate.

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93. The submicron-reconstitute preliposome-lyophilate of claim 1 wherein said reconstitution is achieved by hand-shaking for about one minute upon addition of said aqueous solution.

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1. (Amended) A submicron-reconstitute preliposome-lyophilate comprising lipid and a non-lipid surfactant, wherein the lyophilate (a) lacks liposomes; and (b) has the ability to form liposomes having a median diameter of less than 1 μ m upon reconstitution with aqueous solution.

3. The submicron-reconstitute preliposome-lyophilate of claim 1 wherein said surfactant is anionic, cationic or nonionic.

4. The submicron-reconstitute preliposome-lyophilate of claim 3 wherein said surfactant is nonionic.

5. (Amended) The submicron-reconstitute preliposome-lyophilate of claim 4 wherein said surfactant is a [Tween] TWEENTM surfactant.

6. (Amended) The submicron-reconstitute preliposome-lyophilate of claim 5 wherein said surfactant is [Tween] TWEENTM 20.

52. The submicron-reconstitute preliposome-lyophilate of claim 1, said preliposome lyophilate being halogenated solvent-free.

53. (Amended) A preliposome-lyophilate comprising lipid and a non-lipid surfactant [and capable of forming], said lyophilate (a) lacking liposomes; and (b) having the ability to form liposomes having [an average] a median diameter of less than 400 nm when reconstituted in aqueous solution.

54. The preliposome-lyophilate of claim 53 wherein said surfactant is nonionic.

55. The preliposome-lyophilate of claim 54 wherein said nonionic surfactant is selected from the group consisting of polyoxyethylene sorbitan monolaurate having a molecular weight of approximately 1300 and polyoxyethylene sorbitan monooleate having a molecular weight of approximately 1350.

56. (Canceled)

57. (Amended) A submicron-reconstitute preliposome-lyophilate [product], said lyophilate (a) lacking liposomes, and (b) having the ability to form liposomes having a

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median diameter of less than 400 nm upon reconstitution with aqueous solution; said lyophilate being produced by a process comprising:

- (a) preparing a solution comprising at least one lipid dissolved in an aqueous/t-butanol solvent system and a non-lipid surfactant [wherein said solution does not contain liposomes at the time of lyophilization]; and
- (b) lyophilizing said solution to form [a] said submicron-reconstitute preliposome-lyophilate, wherein said solution does not contain liposomes at the time of said lyophilizing.

58. (Amended) The [product] lyophilate of claim 57 wherein said surfactant is anionic, cationic or nonionic.

59. The lyophilate of claim 58 wherein said surfactant is nonionic.

60. (Amended) The [product] lyophilate of claim 59 wherein said surfactant is a [Tween] TWEEN™ surfactant.

61. (Amended) The [product] lyophilate of claim 60 wherein said surfactant is [Tween] TWEEN™ 20.

62. (Amended) The [product] lyophilate of claim 60 wherein said surfactant is [Tween] TWEEN™ 80.

63. (Amended) The [product] lyophilate of claim 61 or claim 62 wherein said surfactant comprises from about 4 mole % to about 2 mole % of the lipid content of the lyophilate.

64. (Amended) The [product] lyophilate of claim 58 wherein said surfactant comprises from about 5 mole % to about 0.1 mole % of the lipid content of the lyophilate.

65. (Amended) The [product] lyophilate of claim 64 wherein said surfactant comprises from about 4 mole % to about 2 mole % of the lipid content of the lyophilate.

66. (Amended) A lyophilate comprising at least one lipid and a non-lipid surfactant [of about 4 mole % or less of lipid content], said surfactant being present in an amount less than 4 mole % of the lipid content of said lyophilate, said lyophilate lacking liposomes, and wherein the lyophilate is capable of forming liposomes in about one minute with hand-shaking upon addition of aqueous solution, which liposomes have [an average] a median diameter of less than 400 nm.

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67. (Amended) The lyophilate of claim 1 or 66 further comprising a bioactive agent.

68. The lyophilate of claim 66 wherein said surfactant is nonionic.

69. (Amended) The lyophilate of claim 68 wherein said surfactant is a [Tween] TWEEN™ surfactant.

70. (Amended) The lyophilate of claim 69 wherein said surfactant is [Tween] TWEEN™ 20.

71. (Amended) The lyophilate of claim 69 wherein said surfactant is [Tween] TWEEN™ 80.

72. The lyophilate of claim 67 wherein the bioactive agent is selected from the group consisting of an antifungal agent, an antineoplastic agent, an antibiotic, an adjuvant, a vaccine, a contrast agent, a diagnostic agent, a drug targeting agent and a genetic fragment.

73. The lyophilate of claim 72 wherein the bioactive agent is an antifungal agent.

74. The lyophilate of claim 72 wherein the bioactive agent is an antineoplastic agent.

75. The lyophilate of claim 72 wherein the bioactive agent is an antibiotic.

76. The lyophilate of claim 72 wherein the bioactive agent is an adjuvant.

77. The lyophilate of claim 72 wherein the bioactive agent is a vaccine.

78. The lyophilate of claim 72 wherein the bioactive agent is a contrast agent.

79. The lyophilate of claim 72 wherein the bioactive agent is a diagnostic agent.

80. The lyophilate of claim 72 wherein the bioactive agent is a drug targeting agent.

81. The lyophilate of claim 72 wherein the bioactive agent is a genetic fragment.

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82. (New) The submicron-reconstitute preliposome-lyophilate of claim 4 wherein said surfactant is a polyoxyethylene sorbitan carboxylate.

83. (New) The submicron-reconstitute preliposome-lyophilate of claim 82 wherein said polyoxyethylene sorbitan carboxylate is polyoxyethylene sorbitan monolaurate.

84. (New) The submicron-reconstitute preliposome-lyophilate of claim 82 wherein said polyoxyethylene sorbitan carboxylate is polyoxyethylene sorbitan monooleate.

85. (New) The lyophilate of claim 59 wherein said surfactant is a polyoxyethylene sorbitan carboxylate.

86. (New) The lyophilate of claim 85 wherein said polyoxyethylene sorbitan carboxylate is polyoxyethylene sorbitan monolaurate.

87. (New) The lyophilate of claim 85 wherein said polyoxyethylene sorbitan carboxylate is polyoxyethylene sorbitan monooleate.

88. (New) The lyophilate of claim 68 wherein said surfactant is a polyoxyethylene sorbitan carboxylate.

89. (New) The lyophilate of claim 88 wherein said polyoxyethylene sorbitan carboxylate is polyoxyethylene sorbitan monolaurate.

90. (New) The lyophilate of claim 88 wherein said polyoxyethylene sorbitan carboxylate is polyoxyethylene sorbitan monooleate.

91. (New) The submicron-reconstitute preliposome-lyophilate of claim 5 wherein said surfactant is TWEEN™ 80.

92. (New) The submicron-reconstitute preliposome-lyophilate of claim 1 wherein said surfactant is present in an amount less than 4 mole % of the lipid content of said lyophilate.

93. (New) The submicron-reconstitute preliposome-lyophilate of claim 1 wherein said reconstitution is achieved by hand-shaking for about one minute upon addition of said aqueous solution.